

1 A Reading Exhibit 57, page one. It appears to be a
2 copy of a fax I received on April 30, 1999 from the law firm
3 of Hollob and Cough (phonetic) in Chicago, Illinois. It's a
4 letter to me from Howard Gilbert.

5 Q Now, from the fax imprint that's both at the
6 bottom and the top and somewhat different, but they indicate
7 times of, I believe that's 3:40 and 3:47. Do you see that?

8 A I do.

9 Q Would that have been before or after your
10 telephone conversation with Mr. Gilbert?

11 A I haven't the slightest idea.

12 Q If you'll refer back to -- you know what -- prior
13 to April 30th, had you had any conversations with Mr.
14 Gilbert concerning an appraisal of station WTVE?

15 A Not to the best of my recollection.

16 Q Do you know why this letter is dated April 22,
17 1999?

18 A I never noticed that till this morning when I was
19 preparing, and I didn't talk to him before April 30th, so
20 I'm guessing it's one of those computer things where you
21 call up a letter template and it gives you the date of the
22 last letter you did or something like that. If I have a
23 temporary secretary and I'm not on my game, I frequently
24 find that I've sent out letters that have a bizarre date at
25 the top and it's not the date I prepared or signed it. I'm

1 guessing that that's what happened in his case, but I hadn't
2 talked to him on April 22nd.

3 Q After your phone conversation with Mr. Gilbert on
4 April 30th, did you then call Ms. Gaulke?

5 A I have no idea without looking back at my notes.

6 Q Sure. Could you take a look at Exhibit 53,
7 Reading Exhibit 53, page two. It's your calendar entry for
8 April 30th. Does that help refresh your recollection as to
9 whether or not you spoke to Ms. Gaulke after you spoke to
10 Mr. Gilbert?

11 A In looking at Reading Exhibit 53, page, two, it
12 doesn't help me, because I don't have a note there that
13 lists Mr. Gilbert's name so I don't know when in the day I
14 spoke to Mr. Gilbert other than, from looking at my notes,
15 maybe it tells you who I talked to before and after, but I
16 can't tell from this page what I did.

17 Q Exhibit 51, page two indicates that your telephone
18 conversation with Mr. Gilbert --

19 A I'm sorry. What page do you want me?

20 Q Exhibit 51, page two -- the phone record.

21 A Exhibit 51, page two. Okay.

22 Q It indicates that your call was placed at 3:43 and
23 lasted eight point four minutes. Do you see that?

24 A I see that.

25 Q Okay. Does that help when you look at that with

1 respect to your calendars, Reading Exhibit 53, page two, for
2 April 30th? Does that help?

3 A Again, I'm assuming -- I think the duration of the
4 call, I don't know which of these are accurate. Frequently
5 when I get fax telecopy trailers, they don't always have the
6 right time. I assume it was 3:43 when I talked to him. If
7 I then go over here, it's sometime, looking at Exhibit 53,
8 page two, it's sometime during that last entry on the right
9 hand page when I talked to Gilbert, but I don't know whether
10 -- it also says on that day I had, I talked to Gaulke, I
11 talked to Howard Topel, I'm guessing, about settlement as
12 well. I talked to Meadow, and I don't know what those last
13 squiggle is. I don't know where in there I talked to
14 Gilbert.

15 Q It was sometime in there.

16 A Again, I'm assuming that the record that it's 3:43
17 is correct, but I've never had to go back and check to see
18 exactly how precise those are. My bet would be the firm
19 doesn't keep them for purposes of exactly, determining
20 exactly what time we talk to people. It's more to keep
21 track of how long the call was, for billing purposes.

22 Q Your Honor, I'm sorry. Before I move on, I'd like
23 to at this point move the admission of Reading Exhibit 57.

24 THE COURT: It's been marked as a one-page
25 document. Is there any objection?

1 MR. COLE: No objection from Adams, Your Honor.

2 (The document referred to,
3 having been previously marked
4 for identification as Reading
5 Exhibit No. 57 was received in
6 evidence.)

7 THE COURT: The documents have been identified as
8 Reading 57 and are now received into evidence as Reading
9 Number 57. You don't have 56 marked -- when you need it.

10 MR. SOUTHARD: Not yet, Your Honor.

11 THE COURT: I guess you know that.

12 BY MR. SOUTHARD:

13 Q Ms. Swanson, if you could please take a look at
14 Reading Exhibit 56. Now, for the record, this appears to be
15 an e-mail. It was produced to us in response to our
16 subpoena, and the bottom of the page indicates a message, or
17 appears to indicate a message from Anne Gaulke to Alan? And
18 because the following message just above that is Alan Sokol,
19 it appears to be a message to Alan Sokol. Do you know, who
20 is Alan Sokol?

21 (The document referred to was
22 marked for identification as
23 Reading Exhibit No. 56.)

24 A He's another employee of Telemundo.

25 Q What is, or what at this time was his position

1 with Telemundo?

2 A I don't know what his position was at that time.

3 Q If you look at the second paragraph of this
4 exhibit -- or of that e-mail message from Ms. Gaulke to Mr.
5 Sokol, it says, "We contacted Adams's attorney, the
6 overfilers, re a possible settlement," and that "they said
7 they would be reasonable." Do you see that?

8 A I see the next to last paragraph on Exhibit 56,
9 page one. That's what it says.

10 Q Does that statement reflect information that Ms.
11 Gaulke obtained from you.

12 MR. COLE: Objection.

13 MR. HAYS: Objection. There's no foundation.
14 This was written by somebody else. This isn't her
15 handwriting. It was neither -- this message was -- excuse
16 me -- was neither sent to her nor received by her, so
17 there's no basis for her testimony. She's been speculating
18 continually, but this would be speculation of a new order.

19 THE COURT: I'm going to sustain the objection.
20 I'd like you to try and lay more of a foundation in terms of
21 --

22 MR. SOUTHARD: Your Honor, if I may, I believe the
23 foundation was, we just went through, was her notes, which
24 discuss all of this issue with Gilbert and the
25 reasonableness. His quote, "Our people are reasonable."

1 And the timing of all of this with respect to the timing of
2 this e-mail being after 6 p.m., the phone conversation being
3 approximately quarter of four, I believe that establishes
4 the foundation for her to either know or not know whether or
5 not she told this, gave this information to Ms. Gaulke.

6 MR. HAYS: Well, that wasn't the question.

7 THE COURT: That wasn't the question, and
8 normally, the way that you go into a document like this is
9 you ask the witness what the witness knows about the
10 document, how did the witness find out about the document,
11 how did the witness happen to receive the document, why did
12 we get this document in response to a discovery request.
13 You know, and then you've got to find out first how much she
14 knows about and how she knew about it. And then you can
15 start asking questions like -- maybe, you might have a
16 foundation to for going into what you went into. I'm sorry,
17 I didn't mean to take that much time up on this.

18 MR. SOUTHARD: Well, Your Honor, in light of the
19 objection, we're going to go on. Nor at this point do we
20 intend to move Exhibit 56 into evidence.

21 THE COURT: All right. It's been identified but
22 not moved in.

23 BY MR. SOUTHARD:

24 Q Ms. Swanson, could you please take a look at
25 Exhibit 50, the billing records, at page four. Do you have

1 the page?

2 A Exhibit 50, page four.

3 Q Your time entry for May 5th, 1999, indicates a
4 telephone conference with T. Pecaro. Do you see that?

5 A I do.

6 Q Who is T. Pecaro?

7 A I think his first name is Tim or Timothy Pecaro.
8 He's a principal with the firm of Bond & Pecaro.

9 Q What is Bond & Pecaro?

10 A I'm not sure what the full array of their services
11 is, but I know they do broadcast appraisals.

12 Q Does this indicate that you called him with
13 respect to the appraisal that you had discussed with Mr.
14 Gilbert?

15 A I don't know if it relates to the appraisal that I
16 specifically talked about with Mr. Gilbert. It relates to
17 Telemundo's interest in going forward with getting an
18 appraisal.

19 Q What was Telemundo's interest in going forward
20 with getting an appraisal?

21 A Telemundo is a network. It had an affiliate in a
22 market that had a, we thought ran a substantial chance of
23 losing its license possibly. We were interested in seeing
24 what could be done to avoid that outcome, to have a
25 terminated proceeding so the license wouldn't be in doubt

1 any longer than it had to be. We had broached the idea with
2 the client or the client with us of a white knight
3 settlement, and in order to proceed and do any kind of
4 arrangement where the case was being settled, somebody had
5 to have an idea what it was going to be worth, and Telemundo
6 thought that it needed that idea in order to go forward.

7 Q Did you tell Mr. Pecaro why you needed the
8 appraisal?

9 MR. HAYS: Objection on relevance, grounds, Your
10 Honor. We're far afield from any kind of inferences
11 regarding Adams's conduct here.

12 THE COURT: Well, I'm going to overrule that
13 objection. He's still laying a foundation to it. He's a
14 key witness, I think. Go ahead.

15 THE WITNESS: I don't remember what I told Mr.
16 Pecaro. I don't know if I have notes on that or if there's
17 any other way to figure it out, but I don't have a
18 recollection of what I told him.

19 Q Your time entry for April 5th, and again, this is
20 Exhibit 50, page four, indicates that you had a telephone
21 conference with Howard Topel. Do you see that?

22 A May 5th?

23 Q I'm sorry. Yes, That's correct.

24 A I see an entry that I had a telephone conference
25 with H. Topel.

1 Q Do you recall whether you told Mr. Topel about the
2 conversation with Mr. Gilbert?

3 A I have no recollection, independent recollection
4 of what I talked about with Howard Topel. If I have notes,
5 we could switch to the notes, but I don't remember what I
6 talked about with Howard Topel on May 5th of '99.

7 Q Do you have the notes in front of you?

8 A Do you want to leave me -- I don't know where I
9 have them or if I don't.

10 Q I don't know to tell you the truth. Why don't you
11 take a look at page six.

12 A Which exhibit?

13 Q Of Exhibit 52. At the bottom. Does that help
14 you?

15 A I'm looking at Exhibit 52, page six. I have no
16 idea what date I'm talking to first Anne Gaulke and then to
17 Gaulke with Topel and with me and with Parker. I, in the
18 vaguest of my recollection I think the only conversation I
19 had in which Parker might have been on the phone and maybe
20 there was one, or at most, two, related to this option he
21 was so concerned about getting modified, that would have
22 allowed another party to come in and buy his station when he
23 was in the middle of a renewal proceeding. And they were
24 trying to get that reformulated.

25 And I would guess that's what was going on in this

1 conversation because of all the, there's some redactions.
2 And that was not relevant, so that's not in here. Whether
3 or not this is the conversation I had with Howard Topel
4 that's referenced in Exhibit 50, page four, from May 5th, I
5 can't tell you.

6 Q The notation here, "Gaulke want to" -- is that
7 separate?

8 A I'm sorry. Tell me what exhibit and what page
9 you're on?

10 Q Same exhibit. Exactly where we were before, page
11 50 -- Exhibit 52, page six.

12 A It's "Gaulke - want to cooperate."

13 Q Cooperate.

14 A But again, this is a conversation about a number
15 of different things, and in redacting, I erred on the side
16 of giving you possibly anything. And I don't know if the
17 reference to cooperation deals with trying to help them
18 reformulate the affiliation agreement in a way that would
19 help Mr. Parker or whether it relates to settlement or
20 whether it relates to anything else he was concerned about.
21 I just don't know.

22 Q You did the redacting of these documents?

23 A I believe I went through and circled things. I
24 didn't physically do the redacting. I think a legal
25 assistant did that. But I marked the pages with respect to

1 what was to be kept and what was to be redacted.

2 Q Could you turn to the next page of Exhibit 52.
3 That's page seven. Could you read that for us please?

4 A Again, this is the carryover from the conversation
5 between Anne Gaulke and Howard Topel and me and Michael
6 Parker. At the top of this page, it says, "Best end:" --
7 and I believe that's "settlement." And then, "sign option."
8 Again, we're talking about that option that was so
9 troubling. "Sign option and put in letter - 35% of
10 appraised value - contingent on any deal made with Adams."
11 Those were the provisions that either Mr. Topel or Mr.
12 Parker was asking for.

13 Q How do you know that?

14 A Because it's clearly a summary of what they would
15 have asked for. I mean I recall their being concerned
16 about, yeah, they didn't want to sell out unless the whole
17 thing was wrapped up, I believe.

18 Q What was the deal with Adams that you were
19 referring to?

20 A I think if we're somewhere in the first week of
21 May, I think I'd had conversations with Howard Topel already
22 about attempting to work some kind of settlement of the
23 proceeding. A settlement of the proceeding would involve
24 Adams. We wouldn't have gotten to this point if Mr. Topel
25 hadn't passed it along to Mr. Parker, and they weren't

1 favorably inclined.

2 THE COURT: Who's the "they"?

3 THE WITNESS: I'm guessing Mr. Topel and Reading
4 Broadcasting.

5 BY MR. SOUTHARD:

6 Q At this time, did you tell Mr. Topel that Adams
7 had given you a number for which they would be willing to
8 settle?

9 A I wouldn't have told him that because it hadn't
10 happened.

11 Q Did Adams at some point give you a number for
12 which they were willing to settle?

13 A I don't think they ever did. I don't have any
14 recollection of ever getting a number from Adams.

15 Q Could you take a look at Exhibit 58 please,
16 Reading Exhibit 58. Do you recognize that document?

17 (The document referred to was
18 marked for identification as
19 Reading Exhibit No. 58.)

20 A I'd have to read it again. I don't remember.

21 Q Is that your signature at the bottom?

22 A It's a signature of my first, of the name by
23 which, the name by which I go.

24 THE COURT: Do you want to read the letter? Let
25 her read the letter.

1 MR. SOUTHARD: I'm not going to ask any specific
2 questions on this, Your Honor. I just wanted to
3 authenticate it and make sure that it was her letter to Mr.
4 Pecaro and that it was relevant to the proceedings. The
5 first paragraph says, "Our client, Telemundo, would like to
6 proceed with an appraisal of the value of WTVE TV in
7 Reading, Pennsylvania." And if that's all correct, I simply
8 offer it into the record.

9 THE COURT: All right. Well, I don't want the
10 witness to be rushed to read the letter before I rule on it.

11 MR. SOUTHARD: Absolutely.

12 THE WITNESS: I've read the letter.

13 THE COURT: He's moved into evidence. Is there
14 any objection?

15 MR. COLE: Objection, Your Honor. While Mr.
16 Southard may think it's relevant, or may think he's
17 established relevance, I don't see it myself. I'm not sure
18 how this is relevant to the phase III issue, that is, with
19 respect to Adams's intent in the filing of its application
20 in June of 1994.

21 THE COURT: You don't think it's relevant to what
22 Mr. Gilbert testified to in January?

23 MR. COLE: Mr. Gilbert did not talk to Mr. Pecaro.
24 Mr. Gilbert is not addressed or copied with this letter.

25 THE COURT: You don't think so? You don't think

1 it's relevant to what Mr. Gilbert testified to in January?

2 MR. COLE: Mr. Gilbert testified that he spoke
3 with Ms. -- well, I'm not --

4 THE COURT: No. I don't mean -- this is not a
5 test. I'm just surprised that you object on the grounds of
6 relevancy.

7 MR. COLE: I'm just -- this letter, Your Honor, I
8 fully agree that matters relating to the appraisal fall well
9 within the scope of what Mr. Gilbert testified to in
10 January. This letter, on the other hand -- I'll withdraw my
11 objection. Leave it in. I'm not concerned about this
12 letter. There's nothing bad in it. I just think it's, it
13 doesn't, it's not relevant to the issue that I see and, but,
14 you know --

15 THE COURT: Any other objections? I'm overruling
16 the objection and Exhibit 58 as identified, the one-page
17 letter from Ms. Swanson to Mr. Pecaro dated May 6th, 1999 is
18 received into evidence.

19 (The document referred to,
20 having been previously marked
21 for identification as
22 Reading Exhibit No. 58 was
23 received in evidence.)

24 MR. SOUTHARD: Thank you, Your Honor.

25 BY MR. SOUTHARD:

1 Q Ms. Swanson, if I could ask you please to take a
2 look at Exhibit 52, page eight. Again, that's your notes.
3 Can you tell us what these notes are?

4 A Exhibit 52, page eight appear to be notes of mine
5 that were begun on May 10th in connection with my
6 representation of Telemundo, and it looks like they show a
7 conversation with Anne Gaulke and with Tim Pecaro.

8 Q I'm sorry. Do I understand you to mean one
9 conversation with all three parties or does this look like
10 two separate conversations?

11 A I don't have an independent recollection, but I'm
12 guessing from the way it's set up that it's two
13 conversations.

14 Q The first, in, under Ms. Gaulke, the second line,
15 it appears to say -- well, why don't you read it for us.
16 It's at the second and third line.

17 A The one under "Parker called and apologized on
18 5/7"?

19 Q Yes.

20 A "Will pay for appraisal. Gaulke: Will deduct cost
21 of appraisal."

22 Q What does this will deduct cost of appraisal mean?

23 A I don't, I don't know.

24 Q Does that mean Ms. Gaulke was going to deduct the
25 cost of appraisal from payments to Parker or payments to

1 Reading?

2 A I have, I don't know. I don't know what it means.

3 Q Could you read the next line below that please?

4 A "Gaulke check re speedup."

5 Q What does that mean?

6 A Looking at that alone, I don't know. I believe
7 there are some other letters that may explain it.

8 Q Okay. Why don't you take a look at Exhibit 59.
9 It's a one-page document, appears to be a letter from you to
10 Ms. Gaulke.

11 (The document referred to was
12 marked for identification as
13 Adams Exhibit No. 59.)

14 A I see. Exhibit 59.

15 Q Do you have it? If you could read the first full
16 sentence please?

17 A "As we discussed, I called Tim Pecaro of Bond &
18 Pecaro to see whether they could expedite the appraisal that
19 they had said would take two weeks and whether they could
20 still produce the report for the \$5,000 price upon which we
21 had agreed."

22 Q Okay. Does that help you with understanding your
23 notes where it says, "Gaulke check re speedup."?

24 A I vaguely remember that around this time, about
25 when the hearing designation order was coming out or things

1 were starting to get rolling, and I think Telemundo had a
2 concern that if the hearing started going and the parties
3 had to spend a lot to litigate the proceeding, both Reading
4 and Adams, that that might increase the overall amount that
5 would have to be paid in settlement. And I have a vague
6 recollection maybe Bond & Pecaro was going to take longer
7 than they originally said. So we were interested in seeing
8 if it could be speeded up.

9 MR. SOUTHARD: Your Honor, move to admit Exhibit
10 59.

11 THE COURT: Any objection?

12 MR. COLE: None, Your Honor.

13 THE COURT: Exhibit 59 is identified as a one-page
14 letter, dated May 11, 1999, is received into evidence.

15 (The document referred to,
16 having been previously marked
17 for identification as Reading
18 Exhibit No. 59 was received in
19 evidence.)

20 MR. SOUTHARD: Thank you, Your Honor.

21 THE COURT: Let's go off the record.

22 (There was a brief recess.)

23 THE COURT: Let's go back on the record. We're
24 back in session. Mr. Southard?

25 MR. SOUTHARD: Thank you, Your Honor.

1 BY MR. SOUTHARD:

2 Q Ms. Swanson, could I ask you please to take a look
3 at Reading Exhibit 60. It's a two-page document. Do you
4 recognize that letter?

5 (The document referred to was
6 marked for identification as
7 Reading Exhibit No. 60.)

8 A Yeah, I recognize it.

9 Q Did you write this letter?

10 A I composed the letter.

11 Q And that's your first name signature on --

12 A Actually, my middle name is just the name I go by.

13 Q I apologize. I do the same thing. Referring you
14 to the third paragraph of that letter, the sentence that
15 reads, "Could also mean that the judge will be troubled by
16 the challenger's record as a 'greenmailer.'" Do you see
17 that?

18 A I see that.

19 Q Who's the challenger that's being referred to in
20 this statement?

21 A I believe it's Adams.

22 Q And what's a greenmailer?

23 A I think it's commonly someone who is trying to
24 extract money from an FCC proceeding, whether it be an
25 allotment or allocation proceeding, or an application

1 proceeding or something like that.

2 Q What was the basis for your telling Ms. Gaulke
3 that Adams had a record as a greenmailer?

4 A This is one of those instances where a redaction
5 was done for relevance, but in this paragraph, as I
6 remember, I was talking about the judge and how I thought he
7 would rule, and there was a sentence that said this
8 appointment might not be good for Mr. Parker, given the fact
9 that I was aware of some qualifications concerns regarding
10 him, and it also might not be good because I was aware that
11 Adams had had a previous proceeding where they had filed for
12 a TV license and had settled out, and someone might try them
13 from that -- make allegations and show that in this
14 proceeding they were just filing to settle out.

15 Q What was the previous proceeding you were
16 referring to?

17 A I believe they applied for a TV license in
18 Chicago.

19 Q Does Monroe Communications or Video 44 ring a bell
20 for you?

21 A I think they were called Monroe, and I think maybe
22 Video 44 was the licensee. I'm not sure. I read it. It's
23 an, there's a Court of Appeals case dealing with an
24 obscenity issue, and I first happened upon it four or five
25 years ago for that, but I never really followed the

1 proceeding or read any of the decisions related to the
2 comparative renewal, the renewal aspect.

3 MR. SOUTHARD: Your Honor, move the admission of
4 Reading Exhibit 60.

5 THE COURT: 60 is a two-page letter. Any
6 objection?

7 MR. COLE: Yes, Your Honor. I object. The
8 witness has testified the letter was redacted. I initially
9 thought the redaction occurred out of respect for the
10 witness to delete certain observations, which were not
11 unkind at all, I should point out, but to delete
12 observations by Your Honor. But in the sentence which
13 appears starting with the word "that," there is then an
14 entirely blank line, and then drops down to "could also
15 mean," does omit information about Mr. Parker about which
16 the witness has testified.

17 When we offered documents related to the Conestoga
18 transmitter site arrangements that Adams has entered into,
19 with some minor financial information redacted, we were
20 instructed to reform it to include all that information, and
21 I think, at a minimum here, that the redaction is, comes far
22 closer to touching on substantive issues in this case. And
23 I think, I have no objection to this document going into the
24 record as long as it's unredacted.

25 MR. SOUTHARD: Your Honor, I, this document was

1 redacted at your request.

2 THE COURT: That's correct. And it was mainly
3 concern out of interest to the witness, that's all. I leave
4 that up to -- let me see what Mr. Hays has to say about
5 this.

6 MR. HAYS: Well, I think I'd have to talk to Ms.
7 Swanson about it, Your Honor.

8 THE COURT: There may be some other way we could
9 bring that in.

10 MR. HAYS: Frankly, I think the whole, this whole,
11 this whole thing, this whole comment about the greenmailer
12 is, it's just opining about how the judge is, it's totally
13 irrelevant to any issues as I can see it in this case, so, I
14 mean, one solution would be to redact that sentence. I
15 think, I don't know, I haven't heard an explanation of why
16 that is relevant, but it sounds like they're trying to
17 prejudice the tribunal in some fashion. But I don't see
18 what the relevance of that is, and one solution would be to
19 simply redact that.

20 THE COURT: No. I've been living with this case
21 since the hearing, since January, and I'm certainly
22 satisfied with the relevance of this --

23 MR. HAYS: Very well, Your Honor. If you could
24 indulge us so that we could, so that I could talk to Ms.
25 Swanson at the next break, and then I could, we could

1 perhaps come back and report to the Court.

2 MR. COLE: Your Honor, may I request an
3 explanation as to why that information was redacted by Your
4 Honor? Ordered, why you ordered that redacted.

5 THE COURT: Simply because I didn't want to make
6 it a matter of public record with respect to this witness if
7 it was going to make her feel uncomfortable. She didn't ask
8 for this.

9 MR. COLE: Your Honor, I understand she didn't ask
10 for that, but what, what in these language "that could mean
11 he'd be less forgiving of Michael Parker's string of
12 adjudicated FCC problems but could also mean" -- what is
13 prejudicial about that? I can understand --

14 THE COURT: It's not. It's not prejudicial. I'm
15 not talking about it being -- I was doing it out of
16 interest. I thought that it was just unnecessary to put
17 comments like that into the record, not because there's
18 anything prejudicial or unseemly about it. I just thought
19 it was an appropriate exercise of my discretion, that's all.
20 If it has to come in, it has to come in. I don't have any
21 problem --

22 MR. HAYS: Your Honor, I don't think we would have
23 any objection to the remainder of that sentence, which says,
24 "that could mean," -- and I'm quoting now. The first, I
25 guess, sentence could remain redacted, but the second

1 sentence could be quoted in full. The second sentence is
2 saying, "That could mean he'd be less forgiving of Michael
3 Parker's string of adjudicated FCC problems but could also"
4 and then leave the remainder of that in. I don't think we'd
5 have any objection to that, would we, Ms. Swanson?

6 THE WITNESS: I don't have any objection.

7 MR. HAYS: So I think we could leave that. I
8 think Mr. Cole's objection is that it's not even-handed in
9 the sense that it doesn't recount the total --

10 THE COURT: Look, if this is going to become that
11 kind of an issue, I would just as soon see the whole thing
12 come in, if the witness doesn't have any strong feelings
13 about it one way or the other.

14 MR. HAYS: Well, I think she said that she didn't
15 have any objection to the remainder, that full sentence
16 being quoted. And I think that's fine.

17 THE COURT: Well, that -- whatever is agreeable to
18 you all is fine with me, but since I'm the one that
19 initiated this deletion, I want you to know that I certainly
20 can live very cleanly with anything that comes in on this.

21 MR. HAYS: I think, if I'm not mistaken then,
22 that's what Mr. Cole proposed and that's fine with us. But
23 just that sentence be contained in its --

24 THE COURT: Entirety.

25 MR. HAYS: Totality.

1 THE COURT: All right. Well, can we do that at a
2 later time then, or do you want to pursue that with the
3 witness?

4 MR. SOUTHARD: No, no. That's fine with us, Your
5 Honor. We'll just substitute.

6 THE COURT: Just substitute.

7 MR. SOUTHARD: Absolutely. Just like we did
8 before.

9 MR. COLE: Thank you, Your Honor.

10 THE COURT: You bet. You may proceed.

11 MR. SOUTHARD: Have we had a ruling on the
12 admissibility of the exhibit?

13 THE COURT: Is there any further objection? We
14 haven't had a ruling yet. There being none and as subject
15 to the ruling with respect to this document, Exhibit 60 is
16 received in evidence at this time.

17 (The document referred to,
18 having been previously marked
19 for identification as
20 Reading Exhibit No. 60 was
21 received in evidence.)

22 MR. SOUTHARD: Thank you, Your Honor.

23 BY MR. SOUTHARD:

24 Q Ms. Swanson, Could I ask you please to take a look
25 at Reading Exhibit 50. That's your billing records, page

1 six, the entry for May 26th, 1999. Do you have that in
2 front of you?

3 A Reading Exhibit 50, page six, May 26?

4 Q Yes.

5 A I do.

6 Q There's an entry here that indicates a telephone
7 conference with Anne Gaulke re Adams interest. Do you see
8 that?

9 A I see that.

10 Q What is the interest, Adams interest that that
11 refers to?

12 A I don't have an independent recollection. Do you
13 want me to look at my notes?

14 Q Well, if there's something you can find in your
15 notes that helps you, yes.

16 A I mean it could be interest or lack of interest.
17 It's basically the subject of their interest, and I don't
18 remember -- I don't think I, I don't, I don't have any
19 recollection of it. I don't have any notes from May 26th.
20 I certainly don't remember a great expression of interest on
21 their part. It could be as much concern that no one had
22 gotten back to us or no one had talked to us as it could be
23 an outpouring of interest. I just don't know.

24 Q Okay. Referring you to Exhibit 52, page nine.
25 It's the telephone record, or the telephone message slip.

1 Do you have that?

2 A I have Exhibit 52, page nine, which is a photocopy
3 of a telephone message slip.

4 Q The message appears to have been taken by Lynne
5 and I think that's what you said earlier. Is that correct?

6 A Her name is at the bottom.

7 Q Was that, or is that your secretary or was that
8 your secretary at this time?

9 A At the time, that was my secretary.

10 Q Does this message reflect that Mr. Cole called you
11 at about 11:45 on April -- on May 27th and left this
12 message?

13 A It reflects that Mr. Cole, it looks like returned
14 my call -- he must have told Lynne -- at 11:43. As I said
15 before, all the scribbling below the printed word "Urgent"
16 and to the right of that is my writing. He didn't leave
17 that message. I must have taken the message that he had
18 returned my call and called him back and then written the
19 information at the bottom when I talked to him, but again,
20 I'm guessing.

21 Q Okay, but those are your, that's your handwriting.

22 A Everything between the printed word "Urgent" and
23 down at the right bottom where Lynne's name is written over
24 the printed word "operator," those are my scribbles.

25 Q Very good. Could you read that for us there?

1 A "Thirty days after Fed Reg," -- I think it's
2 supposed to say Howard although it looks like Harvard -- "N.
3 Gilbert." Up above that I've got "Tuesday and Wednesday."
4 And then down below, "Late 60s 'real guy and nice guy.'"
5 And then, "Topel - as of now not working settlement - deal
6 with Parker." So I think those were notes from a second
7 conversation with Howard Topel.

8 Q That isn't information that Mr. Gilbert passed
9 along to you as part of your conversation.

10 A I don't have an independent recollection, but I
11 don't believe so, because the instruction to deal with
12 Parker wouldn't have come from Mr. Cole. But again, I'm
13 just surmising based on what it says here.

14 MR. COLE: Your Honor, if I could interpose an
15 objection or just an observation, since the witness has
16 already answered. I believe Mr. Southard just suggested
17 that Ms. Swanson had received information from Howard
18 Gilbert, and I don't think there's been any foundation for
19 the proposition that Ms. Swanson discussed anything with
20 Howard Gilbert on or about May 27.

21 MR. SOUTHARD: Your Honor, I'm sorry. That's
22 right. I meant to say Mr. Cole.

23 THE COURT: Very well. The record will stand so
24 corrected.

25 MR. COLE: Thank you, Your Honor.

1 THE COURT: Thank you.

2 BY MR. SOUTHARD:

3 Q Now, what is this indication, "Tuesday and
4 Wednesday," and then a line to Mr. Gilbert's name? What
5 does that mean?

6 A I don't remember. I just, I don't remember what
7 it is.

8 Q Did you ever meet with Mr. Gilbert face to face?

9 A No.

10 Q If you could take a look back at your time entry.
11 It's Exhibit 50, page six. And again, referring to,
12 referring you to April 27, 1999. Do you have it in front of
13 you?

14 A I have Exhibit 50, page six in front of me.

15 Q There's an entry here that says, "Voicemail for
16 Anne Gaulke re Reading PA proceedings and settlement
17 issues." Do you see that?

18 A I see that.

19 Q Was that phone call or voicemail to Ms. Gaulke
20 before or after your telephone conversation with Mr. Cole on
21 May 27th?

22 A Looking at this, I don't remember.

23 MR. COLE: Objection, Your Honor. Foundation as
24 to when the conversation with Mr. Cole occurred. I don't
25 believe the witness has testified that it in fact occurred

1 on May 27th. The phone slip indicating that Mr. Cole
2 returned her call is dated May 27th, but I don't think the
3 witness had tied down that she, in fact, talked to Mr. Cole
4 on May 27th.

5 THE COURT: Well, he's got a good point. Can you
6 clarify that? It's a little bit slippery.

7 BY MR. SOUTHARD:

8 Q The notes you have on Reading Exhibit 52, page
9 nine, that you testified were your handwriting on the
10 message slip relating to Mr. Cole, did you make those notes
11 on May 27th? Was that telephone conference on May 27th?

12 A Looking at the phone message slip, I have no way
13 of knowing. Sometimes I have a little clip that sits on my
14 secretary's desk and messages go there, and I've got a
15 number of them there that are old, and I keep them there
16 until I eventually talk to people, but I don't know what, I
17 didn't write down the day I talked to him.

18 Q Would you take a look at your billing record for
19 May 27th again?

20 A I'm looking at my billing record, Exhibit 50, page
21 six.

22 Q It indicates a telephone conference with H. Cole.
23 Do you see that?

24 A It does, but I don't know if those were the notes
25 on the telephone message slip. I see that I talked to him.

1 I could have talked to him and not taken notes. I don't
2 know.

3 Q Okay. If you look at the next page of Exhibit 50,
4 page seven.

5 A Um-hum. I'm on Exhibit 50, page seven.

6 Q The next entry for a telephone conference with Mr.
7 Cole was not until June 7th. Do you see that?

8 A I see that.

9 Q Are you saying that these notes on the time on the
10 telephone message slip could possibly be of June 7th?

11 A I'm saying I have no idea when they're from. I
12 can try and guess by filling a jigsaw puzzle of all the
13 different notes and records and everything together to try
14 and help you, but I don't have any independent recollection.

15 Q That's what I was trying to help you do. If you
16 could take a look please at Exhibit 61. For identification,
17 Exhibit 61.

18 (The document referred to was
19 marked for identification as
20 Reading Exhibit No. 61.)

21 A I see Exhibit 61.

22 Q For the record, this appears to be an e-mail
23 message from Anne Gaulke to an Andy Kaplan. Who is Andy
24 Kaplan, if you know?

25 A I have no idea.

1 Q Do you know whether he's a Telemundo employee?

2 A I have no idea who Andy Kaplan is. I never saw
3 this till it was produced in discovery.

4 Q Did you tell Ms. Gaulke that Adams had agreed to
5 split the cost of an appraisal with WTVE with Telemundo so
6 that you could look toward reaching a settlement?

7 A I have no independent recollection of telling her
8 that.

9 Q This e-mail is dated April 27 -- or I'm sorry --
10 May 27th, 3 p.m. Do you recall, did you tell Ms. Gaulke
11 that Adams counsel or Adams had contacted you concerning a
12 settlement offer and were requesting a meeting when you the
13 following week?

14 A I don't have a recollection of telling her that.

15 Q Do you have a recollection of that conversation?
16 Would -- I'm sorry, strike that -- Do you have, did Adams
17 contact you at or about May 27, 1999 as to a settlement
18 offer?

19 A I have a message slip that Harry Cole returned my
20 call on May 27th. That's the only thing I have. I don't, I
21 can begin to guess based on the scribbles on that. It had
22 been, I think we'd agreed to all split an appraisal back on
23 April 30th. Here we are the end of May and we still haven't
24 seen the appraisal. I don't know if people are calling to
25 say what's going on, you know, where is it, you said you

1 were going to do an appraisal. I don't know what's going on
2 at this point.

3 Q Do you recall whether at or about May 27th, 1999,
4 Adams contacted you requesting a meeting to discuss
5 settlement?

6 A I don't remember that request for a meeting.

7 Q Did Adams or anyone from Adams ever contact you
8 and request to set up a meeting to discuss settlement?

9 A I have a vague recollection that later in the
10 summer Adams might have expressed an interest in being a
11 Telemundo affiliate when they won the renewal proceeding,
12 and there was possibly some discussion of a meeting to
13 discuss Telemundo programming and affiliation. But no
14 meeting ever took place, and I don't remember any more than
15 their expressing that and it not happening.

16 Q Did anyone from Adams or representing Adams ever
17 contact you to set up a meeting with respect to settlement?

18 MR. HAYS: Objection, Your Honor, asked and
19 answered.

20 THE COURT: Well, I'm going to permit the
21 question, to be absolutely clear.

22 THE WITNESS: Not that I recall.

23 MR. SOUTHARD: Your Honor, just so the record's
24 clear, we're not going to move the admission of Exhibit 61.

25 THE COURT: Very well. Next document or next

1 question, or both.

2 BY MR. SOUTHARD:

3 Q Ms. Swanson, could I ask you to take a look at
4 your billing entry. It's Exhibit 50, page seven, for June
5 1st, 1999.

6 A Exhibit 50, page seven I have.

7 Q Okay. June 1st, 1999, "telephone conference with
8 Anne Gaulke regarding B. Adams visit and status of Bond &
9 Pecaro request." Do you see that?.

10 A I see that.

11 Q What is that, the "B. Adams" refer to?

12 A I have no clue who B. Adams is.

13 Q Could it be a type?

14 A It would be a person because the way we're
15 required to keep our records, you have to use a first
16 initial and a last name, and I have no idea who it is.

17 Q Could that be a typo?

18 MR. HAYS: Objection to the form.

19 THE COURT: I'll allow the question.

20 THE WITNESS: I have no idea if it's a typo. We
21 certainly weren't setting up any kind of a meeting with
22 Adams, so I don't think I would have been discussing a
23 meeting with Adams or a visit with her. I'm thinking it's a
24 person named B. Adams. I have no idea what it is.

25 BY MR. SOUTHARD:

1 Q Have you ever dealt with a B. Adams with respect
2 to Telemundo that would have ended up being on this billing
3 record?

4 A The only thing I can think of is that there was a
5 B. Adams involved in another client's investigation of
6 something, and maybe this is a wacko, errant time record. I
7 don't know what it is. That was a Bryan Adams, B-R-Y-A-N.
8 I don't know what it is here.

9 Q And you would have been discussed Bryan Adams's
10 visit with Ms. Gaulke and the status of Bond & Pecaro
11 request?

12 A I don't think so, but sometimes the secretaries
13 have trouble reading my time sheets and sometimes I don't
14 always get to proof them before they go in. I have no idea
15 who B. Adams is or what the reference is. I can tell you we
16 weren't setting up a meeting with Adams Communications Corp.
17 or whatever the name of that applicant is at this time.

18 Q Now, when you say you weren't setting up a meeting
19 with Adams, you're referring to you and Dow, Lohnes? Or are
20 you referring to Telemundo?

21 A I was referring to me, but I think if Telemundo
22 had been doing it, I would have known about it.

23 Q Are you aware of any meeting between anyone from
24 Telemundo, face to face meeting with anyone from Adams?

25 A Am I aware of something like that ever taking

1 place?

2 Q Yes.

3 A No. I'm not aware of anything like that ever
4 taking place.

5 Q Could you take a look at Exhibit 62 please?

6 (The document referred to was
7 marked for identification as
8 Reading Exhibit No. 62.)

9 THE COURT: Six two?

10 MR. SOUTHARD: Six two. Yes, Your Honor.

11 BY MR. SOUTHARD:

12 Q Ms. Swanson, do you have it in front of you?

13 A I have it.

14 Q Okay. It appears to be a fax transmittal cover
15 sheet from you to Ms. Gaulke. Is that correct?

16 A That's correct.

17 Q Did you draft or compose the message that's
18 recorded here?

19 A I think I composed it.

20 Q And is that the signature of your middle name?

21 A No. Those are actually my initials. I try to
22 initial all my faxes to prove that I read them before they
23 go out.

24 Q Would you read the second full sentence for us
25 please.